

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

MAXUM INDEMNITY COMPANY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:16-CV-00467-JTM
	)	
R.K. SHOWS, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**SUPPLEMENTAL RESPONSE TO MAXUM'S MOTION FOR LEAVE TO FILE  
ITS FIRST AMENDED COMPLAINT FOR DECLARATORY JUDGMENT AND  
WITHDRAWAL OF DEFENDANTS' MOTION TO STRIKE AS MOOT**

Defendants R.K. Shows, Inc. ("R.K. Shows") and R.K. Shows MO, Inc. ("R.K. MO") (collectively, the "Insureds") submit this supplemental response to *Maxum's Motion for Leave to File Its First Amended Complaint for Declaratory Judgment* (the "Motion") filed by plaintiff Maxum Indemnity Company ("plaintiff" or "Maxum") on October 7, 2016 (Doc. 29). This supplemental response supersedes the Insureds' *Response and Suggestions in Opposition to Maxum's Motion for Leave to File Its First Amended Complaint for Declaratory Judgment and, Alternatively, Motion to Strike* (the "Response") filed October 10, 2016 (Doc. 30).

After the filing of the Response, counsel for Maxum provided information to the Insureds' counsel showing that Maxum is exempt from the bond requirement in § 375.281, RSMo, because Maxum is an excess/surplus lines insurer under Chapter 384 with the Missouri Department of Insurance. As a result, the Insureds' motion to strike is now moot and may be denied by the Court. Further, the Insureds have no objection to leave for Maxum to file the proposed First Amended Complaint attached to the Motion.

Respectfully submitted,

**HORN AYLWARD & BANDY, LLC**

/s/ Robert M. Pitkin

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*Attorneys for Defendants R.K. Shows, Inc.  
and R.K. Shows MO, Inc.*

**CERTIFICATE OF SERVICE**

Service of the foregoing was effected via electronic transmission through the Court's ECF filing system this 11<sup>th</sup> day of October, 2016 to all counsel of record and parties of interest participating in the CM/ECF system.

/s/ Robert M. Pitkin

*Attorney for Defendants R.K. Shows, Inc.  
and R.K. Shows MO, Inc.*